

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Re: ECF No. 2245

**JOINT URGENT MOTION SEEKING EXTENSION OF DEADLINES TO RESPOND
AND REPLY IN SUPPORT TO THE CBA COUNTERPARTIES' MOTION FOR AN
ORDER TO PERMIT THE PROCESSING THROUGH RESOLUTION OF
EMPLOYMENT ARBITRATION AND GRIEVANCE PROCEEDINGS**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority ("AAFAF"), on behalf of the Commonwealth of Puerto Rico, the Puerto Rico Sales Tax Financing Corporation, the Puerto Rico Highways and Transportation Authority, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Electric Power Authority (collectively, the "Debtors"), as Title III debtors, and the American Federation of State, County and Municipal Employees International Union, AFL-CIO ("AFSCME"), the American Federation of Teachers, AFL-CIO ("AFT"), the Service Employees International Union ("SEIU"), and the

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (the “UAW” and together with SEIU, AFT, and AFSCME, the “Unions”) through their undersigned counsel, respectfully submit this urgent joint motion for entry of an order, substantially in the form attached hereto as **Exhibit A**, extending the deadlines for the Debtors to respond to *Joint Motion of American Federation of State, County and Municipal Employees, AFL-CIO and American Federation of Teachers, AFL-CIO, for an Order to Permit the Processing Through Resolution of Employment Arbitration and Grievance Proceedings* [ECF No. 2245] (the “Joint Motion”) and the deadline for the Unions to reply in support thereof.² In support of this motion, the Debtors and the Unions respectfully represent as follows:

BACKGROUND

1. On January 16, 2018, AFT and AFSCME filed the Joint Motion, and SEIU and UAW filed the *Joinder of Service Employees International Union and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) to Joint Motion of American Federation of State, County and Municipal Employees, AFL-CIO and American Federation of Teachers, AFL-CIO, for an Order to Permit the Processing Through Resolution of Employment Arbitration and Grievance Proceedings* [ECF No. 2249] (the “Joinder” and together with the Joint Motion, the “Motion”).

2. On January 30, 2018, AAFAF and the Unions filed a *Joint Informative Motion Regarding the Consensual Adjournment of the CBA Counterparties’ Motion For An Order to Permit the Processing Through Resolution of Employment Arbitration And Grievance Proceedings* [ECF No. 2315], which adjourned the hearing on the Motion to March 7, 2018 at 9:30 a.m. (Atlantic Standard Time).

² The Financial Oversight and Management Board for Puerto Rico, as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act*, has authorized AAFAF to file this motion on behalf of the Debtors.

RELIEF REQUESTED

1. By this Joint Motion, the Debtors and the Unions request an order extending the deadlines as follows:

- The deadline to file responses to the Motion shall be extended to **February 23, 2018** for the Debtors and AAFAF.
- The deadline for the Unions to file a reply to any responses shall be extended to **March 2, 2018**.

2. Pursuant to Paragraph 1.H of the *Third Amended Notice, Case Management and Administrative Procedures* (Case No. 17 BK 3283-LTS, ECF No. 1512-1), the parties hereby certify that they have carefully examined the matter and concluded that there is a true need for an urgent motion; have not created the urgency through any lack of due diligence; have made bona fide effort to resolve the matter without a hearing; have made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court; and have conferred with counsel for the Oversight Board, and no party opposes the relief requested herein.

NOTICE

3. The Debtors have provided notice of this Joint Motion to: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) the statutory committees appointed in these Title III Cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Puerto Rico Fiscal Agency and Financial Advisory Authority; (g) the Puerto Rico Department of Justice; (h) all parties filing a notice of appearance in these Title III Cases; and (i) counsel to the Unions.

The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

NO PRIOR REQUEST

4. No prior request for the relief sought in this Joint Motion has been made to this or any other court.

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WHEREFORE the Debtors respectfully request the Court to enter an order, substantially in the form attached hereto as **Exhibit A**, (a) granting this Joint Motion, and (b) granting such other relief as is just and proper.

Dated: February 20, 2017
New York, New York

Respectfully submitted,

/s/ Peter Friedman

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Chief Legal and Regulatory Officer

Exhibit A

Proposed Order

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Re: ECF No. ____.

**ORDER GRANTING JOINT URGENT MOTION SEEKING EXTENSION
OF DEADLINES TO RESPOND AND REPLY IN SUPPORT TO THE CBA
COUNTERPARTIES' MOTION FOR AN ORDER TO PERMIT THE
PROCESSING THROUGH RESOLUTION OF EMPLOYMENT
ARBITRATION AND GRIEVANCE PROCEEDINGS**

Upon the *Joint Urgent Motion Seeking Extension of Deadlines to Respond and Reply in Support to the CBA Counterparties' Motion for an Order to Permit the Processing Through Resolution of Employment Arbitration and Grievance Proceedings* (the "Urgent Motion");² and the Court having found it has subject matter jurisdiction over this matter pursuant to PROMESA section 306(a); and it appearing that venue is proper pursuant to PROMESA section 307(a); and the Court having found that the relief requested in the Joint Motion is in the best interests of the Debtors, their creditors, and other parties in interest, it is **HEREBY ORDERED THAT:**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Urgent Motion.

1. The Urgent Motion is granted as set forth herein.
2. The deadline to file responses to the Motion shall be extended to **February 23, 2018** for the Debtors and AAFAF.
3. The deadline for the Unions to file a reply to any responses shall be extended to **March 2, 2018**.
4. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.
5. This Order resolves docket entry no._____.

SO ORDERED.

Dated: _____, 2018
San Juan, Puerto Rico

LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE